

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
2024 JUN 24 PM 12:41

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EDDIE MANTILLA, an individual,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
SOLED OUT JC LIMITED)	JURY TRIAL DEMANDED
LIABILITY COMPANY,)	
)	
Defendant.)	

COMPLAINT FOR COPYRIGHT INFRINGEMENT AND RELATED CLAIMS

Plaintiff, Eddie Mantilla, alleges his complaint against Defendant, Soled Out JC Limited Liability Company ("Soled Out"), as follows:

NATURE OF THE ACTION

1. This action arises from the above-named Defendant's infringement of Plaintiff's "ownership" and exclusive "use" rights in his copyright, titled "**NJ Logo Snapback Photo**" as shown in the image depicted below:



2. Despite Plaintiff being the copyright owner of the "**NJ Logo Snapback Photo**" under such design and image, Defendant Soled Out has infringed Plaintiff's rights in his **NJ Logo Snapback Photo** copyright, by copying, reproducing, exploiting, manufacturing, selling, offering

for sale, and advertising a Snapback cap under Plaintiff's copyrighted image shown above. Defendant Soled Out has also infringed Plaintiff's rights in his **NJ Logo Snapback Photo** copyright referenced above, by publishing and promoting various images and photographs on its website www.soledoutjc.com, via Defendant's multiple social media Instagram accounts "**@soledoutnj**" and "**@soledoutinventory**" and at Defendant's Soled Out retail store, located in Jersey City, New Jersey, that violate, copy and infringe Plaintiff's registered copyright and such acts were and are continuously done without the authorization or consent from Plaintiff. A comparison of Plaintiff's copyrighted "**NJ Logo Snapback Photo**" and one of Defendants Snapback images promoted and published via its website www.soledoutjc.com of an identical NJ Snapback design image placed on a Snapback and published in a photographic image on Defendant's website is shown below:

**Defendants image via its website
www.soledoutjc.com**



**Plaintiff's Snapback Product and
Copyright titled NJ Logo Snapback Photo**



3. Defendant Soled Out's unauthorized copying, use, sale and offering for sale of a Snapback cap bearing an identical design and publishing and advertising an image on its website www.soledoutjc.com of a snapback bearing Plaintiff's copyrighted image where done willfully and intentionally as Defendant Soled Out was aware of Plaintiff's Snapback bearing the stylized NJ Logo design and Defendant is and was aware that Plaintiff was the registered copyright owner of **United States Copyright No. VA0002290605**.

4. Defendant Soled Out copied and reproduced Plaintiff's copyrighted photograph on a similar Snapback item and then photographed the item and published photographs on its website to sell the Snapback cap product which photographs taken and published by Defendant copy and infringe on Plaintiff's **NJ Logo Snapback Photo** copyright.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 17 U.S.C. §101, et. seq., 17 U.S.C. §501-509; and 28 U.S.C. §1367,

6. This Court has personal jurisdiction over the Defendant because Defendant is engaged in business activities in, and directed to the State of New Jersey within this judicial district, because Defendant has a retail store location at 366 Central Ave, Jersey City, New Jersey 07307, because Defendant is a registered Limited Liability Company within the State of New Jersey and because Defendant has committed tortuous acts aimed at and causing harm within the State of New Jersey and this judicial district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where Plaintiff maintains a residence and the Defendants transacts business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to Plaintiff and its intellectual property described herein continues to occur in this judicial district.

THE PARTIES

8. Plaintiff, Eddie Mantilla is an individual with an address at 112 71st Street – Guttenberg, New Jersey, 07093.

9. Upon information and belief, Defendant, Soled Out JC Limited Liability Company is a New Jersey Limited Liability Company with a principal business address at 366 Central Avenue, Jersey City, New Jersey 07307.

FACTS

10. Plaintiff Eddie Mantilla has been a designer, manufacturer and retailer of “headwear” and “clothing” products for many years and Plaintiff was the owner of the **HEADGEAR®** “Hat” shop located at 257 1st Street, Hoboken, New Jersey 07030 for many years and Plaintiff also operated an online store via the website www.headgearnj.com.

11. Plaintiff currently sells his headwear and clothing products from his “showroom” and product production facility located at 112 71st Street, Guttenberg, New Jersey 07093. Plaintiff also sells his headwear products at clothing “pop up shop” events, at tradeshow as a clothing and headwear vendor, and in other ways customary in the apparel industry.

12. In 2016, Plaintiff designed and manufactured a Snapback cap with a stylized **NJ logo** and in 2017, Plaintiff began promoting, selling, and offering his **NJ Logo Snapback** products via his various retail platforms.

13. In or about the summer of 2022, Defendant Soled Out seen one of Plaintiff’s business associates wearing Plaintiff’s **NJ Logo Snapback**, and upon information and belief, Defendant promptly after began manufacturing, selling and offering for sale, via its website www.soledoutjc.com and via its retail store located in Jersey City, New Jersey, its own Snapback product with an identical NJ Logo design as that of Plaintiff.

14. Defendant Soled Out took photographs of its NJ Logo Snapback and used such images to offer and sell its NJ Snapback product and published images of its Snapback product on its website and Instagram accounts that copy and infringe Plaintiff’s copyright in his **NJ Logo Snapback Photo** and such acts were done without Plaintiff’s permission or consent.

15. On February 21, 2023, Plaintiff’s business colleague and business manager forwarded a “Copyright Infringement Notice” to Defendant Soled Out via Certified Mail - - Return Receipt Requested and the infringement notice was indeed received by Defendant at its 366 Central

Ave, Jersey City, New Jersey location as evidenced by the USPS Certified Mail receipt attached hereto as **Exhibit A**.

16. Plaintiff is the owner of United States Copyright Registration No. VA-0002290605 for the work titled “**NJ Logo Snapback Photo**” attached hereto as **Exhibit B**.

17. Plaintiff is informed and believes and thereon alleges that Defendant Soled Out has introduced and began marketing, selling, and offering for sale headwear, more specifically and Snapback cap under Plaintiff’s **NJ Logo Snapback Photo** design and image and Defendant has published photographs on its website www.soledoutjc.com and on its Instagram accounts referenced above, that infringe and copy Plaintiff’s NJ Logo Snapback Photo as shown in **Exhibit C** hereto.

18. The NJ Logo design offered for sale on headwear and the photographs used and published by Defendant Soled Out to promote the sale of its Snapback product is a substantial identical replication and copy of Plaintiff’s NJ Logo Snapback Photo and copies constituent elements of Plaintiff’s copyright.

19. Defendants use of Plaintiff’s copyrighted work and design was done without consent or permission by Plaintiff.

FIRST CAUSE OF ACTION COPYRIGHT INFRINGEMENT

20. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 19 of this Complaint.

21. Plaintiff is the creator, author, and owner of all rights of copyright in and to the NJ Logo Snapback Photo shown above.

22. Plaintiff acquired his rights to the NJ Logo Snapback Photo in February of 2022.

23. Defendant, without authorization or consent from Plaintiff as the owner of all rights of copyright in the **NJ Logo Snapback Photo**, and in violation of 17 U.S.C. §§101 et seq., has intentionally and willfully copied, distributed, and publicly displayed and sold and/or offered for sale, a Snapback hat and published photographs of the same that are identical or in the least, substantially similar to Plaintiff's copyrighted **NJ Logo Snapback Photo**.

24. Defendant Soled Out's actions constitute copyright infringement and have caused and will continue to cause Plaintiff irreparable harm and injury unless enjoined by this Court.

25. By reason of Defendant's infringement of Plaintiff's copyright in his NJ Logo Snapback Photo in connection with headwear and an identical NJ Logo, Defendants have derived revenues and profits attributable to said infringement, the amount of which has yet to be ascertained.

26. Defendant's infringement of Plaintiff's copyright in the NJ Logo Snapback Photo was committed "willfully" as that term is used in 17 U.S.C. §504(c)(2). At all times mentioned herein, and upon information and belief, Defendant was aware of, and had reason to believe, that its acts constituted infringement of Plaintiff's copyright in the NJ Logo Snapback Photo.

SECOND CAUSE OF ACTION UNJUST ENRICHMENT

27. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 26 of this Complaint.

28. Defendant Soled Out has unjustly retained profits from the sale of a Snapback headwear product and photographs of its Snapback product bearing Plaintiff's **NJ Logo Snapback Photo** copyright.

29. Defendant Soled Out's actions constitute unjust enrichment.

**THIRD CAUSE OF ACTION
CONVERSION**

30. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 29 of this Complaint.

31. Defendant has continued and is presently using Plaintiff's **NJ Logo Snapback Photo** copyright.

32. Defendant has continuously introduced, sold and/or offered for sale products bearing Plaintiff's copyright and are continuing to profit off of Plaintiffs' intellectual property.

33. Defendant is therefore liable for conversion and liable for punitive damages for converting Plaintiff's copyright.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief as follows:

1. Entry of an order and judgment requiring that Defendant Soled Out, its subsidiaries, officers, agents, servants, employees, owners, and representatives, and all other persons or entities in active concert or participation with them, be preliminarily and, thereafter, permanently enjoined and restrained from (a) using in any manner the NJ Logo design and any photographs or other images, including in whole or part the **NJ Logo Snapback Photo**, or any colorable imitation or copy thereof; (b) advertising, selling, offering for sale any headwear goods using in whole or part the **NJ Logo Snapback Photo** image or design, or any colorable imitation thereof; (c) otherwise engaging in any acts of unfair competition and copyright infringement which tend to injure Plaintiff's rights in the **NJ Logo Snapback Photo**.

2. That Defendant be required to account to Plaintiff for any and all profits derived by it, and to compensate Plaintiff for all the damages sustained by reason of the acts complained of herein, and that the damages herein be trebled pursuant to the copyright act.

3. That Defendant Soled Out be ordered to deliver up for destruction any and all infringing materials bearing the **NJ Logo Snapback Photo** design, and any colorable imitation thereof, in whole or part.

4. That Plaintiff be awarded punitive and statutory damages in the amount of \$1,000,000.00.

5. That Defendant Soled Out be required to place advertisements or send notifications to past and present customers that it improperly has been using the **NJ Logo Snapback Photo**.

6. That Plaintiff be awarded the cost and disbursements of this action.


7. That Plaintiff have such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury as to all issues.

Dated: June 24, 2024
Guttenberg, New Jersey

Respectfully submitted,
Eddie Mantilla – Pro Se



Eddie Mantilla
Pro Se Plaintiff
112 71st Street
Guttenberg, New Jersey 07093
(201) 401-0495